

Benjamin Barber
Plaintiff
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BENJAMIN BARBER,

Case No.3:2016cv02105

Plaintiff,

Petition For Writ Of Prohibition

vs.

MEAGAN VANCE in her personal capacity
AND ELLEN ROSENBLUM, BRAD
AVAKIAN, KATE BROWN, BEN CANNON,
LYNNE SAXTON in their official capacity
Defendants

This petition for Writ of Prohibition is filed per rule 21 of the Federal Rules of Civil Procedure, to protect rights covered under Amendment 1 of the constitution. The writ requests to the the district court to force the State of Oregon and its subsidiaries for a temporary stay of all past and future enforcement of the Statue ORS 163.472 “Unlawful dissemination of an intimate image”. Barber intends on sending printed intimate images he owns the copyright to a “Free speech rally Downtown Portland” event, with captions such as “Revenge Porn is Free Speech” and “Fuck Feminism”, which is currently expected said to have an attendance of between 175 – 561 persons. In addition to another protest that he has requested a permit to display “revenge porn” from the City of Portland, or alternatively to perform acts of self-immolation in protest of the “revenge porn” law using gasoline on June 10th (the rose festival). Barber believes that given the State’s motion to dismiss for fugitive disenfranchisement, and his inability to litigate civil rights issues while incarcerated, his death may give him a greater opportunity to protect and defend the constitution because he would no longer be disenfranchised in court, and allow him to have a greater impact on the world than a life of permanent, poverty, regret and obscurity.

While ORS 163.472 does not apply to intimate images that are not disseminated without the Internet, there is a substantial risk that the attendees will be subject to prosecution of the “unlawful dissemination of an intimate image”, due to being filmed by members of the press or public. Though it is not immediately clear who should “cause to be disseminated” these images, me the copyright holder, the protesters holding the tangible photos, or the people who film or photograph these images. Because of this there is a chance that activists advocating for free speech, may also be arrested and charged with the same crimes as a result of their political beliefs given the states pattern of hostility to civil rights. Additionally this action is necessary due to the prior restraint on speech that the state has imposed on certain categories of content, and the speech has not yet taken place and not being a matter of a previous state court judgment, the state therefore bears the responsibility to rebut the presumption of it being protected speech, which it could conceivably defend as skillfully as it has done in the past.

Dated: May 22, 2017

/s/

A handwritten signature in black ink that reads "Ben Barker". The signature is written in a cursive, slightly slanted style. The first name "Ben" is written with a capital 'B' and the last name "Barker" is written with a capital 'B' and a trailing flourish.